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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600MARC E. HANKIN
GORDON & REES
300 S GRAND AVENUE, SUITE 2075
LOS ANGELES CA 90071In re Application of
KUO, JERCHEN, et al.
Application No. 09/715,275
Filed: November 17, 2000
For: **POINT-TO-MULTIPOINT
PASSIVE OPTICAL NETWORK THAT
UTILIZES VARIABLE-LENGTH
PACKETS**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed April 20, 2005 to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

The application was abandoned for failure to respond in a timely and effective manner to the final Office action mailed August 12, 2003. A Notice of Abandonment was mailed on November 16, 2004.

Petitioner asserts that a proper response was timely filed on February 12, 2004. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on February 12, 2004. A copy of a petition for three months extension of time and a Notice of Appeal are also included.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.P.T.O. of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file. The fees submitted with the original response have been received and credited to the instant application. The fees for extension of time and Notice of Appeal have been credited to the application.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition. From there, the file will be forwarded to the examiner for further examination in due course.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications